

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY A. SMITH,

Plaintiff,

v.

SHERIFF ROBERT SPODEN,

Defendant.

ORDER

11-cv-692-wmc

In response to this court's October 11, 2011 order, plaintiff Gary Smith has submitted a copy of his inmate account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. From the statement plaintiff has submitted, I have calculated plaintiff's initial partial payment to be \$28.00.

Once plaintiff's payment has been received, his complaint will be taken under advisement for screening to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Gary Smith is assessed \$28.00 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made

payable to the clerk of court in the amount of \$28.00 on or before November 16, 2011. If, by November 16, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 24th day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge